

Court of Appeals, State of Michigan

ORDER

People of MI v William Charles McCulloch

Docket No. 273455

LC No. 03-012730-01

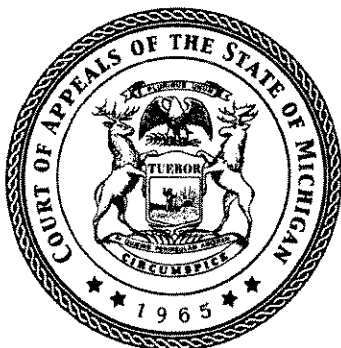
David H. Sawyer
Presiding Judge

Joel P. Hoekstra

Jane E. Markey
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the July 11, 2006, judgment of sentence is VACATED and the matter is REMANDED to the trial court for resentencing. On remand, Offense Variable 5 shall be scored at zero and the court shall sentence defendant within the appropriate sentencing guidelines range or else articulate on the record a substantial and compelling reason for departing from the sentencing guidelines range in accordance with *People v Babcock*, 469 Mich 247; 666 NW2d 231 (2003).

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 27 2006

Date

Sandra Schultz Mengel
Chief Clerk